

November 10, 2011

## UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker  
Clerk of Court

## FOR THE TENTH CIRCUIT

MARGRET THOMPSON,

Plaintiff - Appellant,

v.

CHILDREN'S HOSPITAL; KEMPE  
CHILD PROTECTION TEAM;  
ANDREW SIROTNAK; LISA M.  
JUSTIS; TAMMIE RAATZ; TONI M.  
ROZANSKI; MARCOS GONZALES;  
TIFFANY BEAUFORD; MARILYN  
ROBINSON; OTHER JANE OR JOHN  
DOES, individually and in their official  
capacities,

Defendants - Appellees.

No. 11-1481

(D.C. No. 1:11-CV-00049-WYD-KMT)

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ORDER

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Before **KELLY, HOLMES**, and **MATHESON**, Circuit Judges.

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The district court dismissed Plaintiff Margaret Thompson's civil rights action with prejudice based on failure to prosecute. Final judgment was entered August 3, 2011. Plaintiff, proceeding *pro se*, appeals. We dismiss. The notice of appeal is untimely.

In *Bowles v. Russell*, 551 U.S. 205, 214 (2007), the Supreme Court made "clear that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement." The 30-day deadline under Fed. R. App. P. 4(a)(1)(A) for filing a timely notice of appeal in this civil

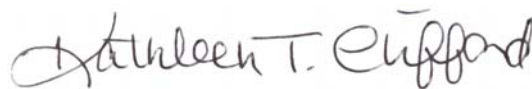
case expired on September 2, 2011. The 30-day deadline under Fed. R. App. P. 4(a)(5)(A)(i) for filing a timely motion for extension of time expired on Monday, October 3, 2011. *See* Fed. R. App. P. 26(a)(1)(C).

Plaintiff's notice of appeal was filed in the district court on October 18, 2011, which was 46 days past the 30-day filing deadline set forth in Rule 4(a)(1)(A). Moreover, Plaintiff's motion for extension was filed in the district court on October 18, 2011, which was 15 days past the filing deadline set forth in Rule 4(a)(5)(A)(i) (a party must "move[] no later than 30 days after the time prescribed" by Rule 4(a)(1)(A) for filing an appeal). Because Plaintiff's motion for extension of time was filed beyond the 30-day window set forth by Rule 4(a)(5)(A)(i), the motion is untimely and the district court lacks authority to grant the motion.

Pro se appellants must comply with the requirements of the Federal Rules of Appellate Procedure that govern all litigants. *See Ogden v. San Juan County*, 32 F.3d 452, 455 (10th Cir. 1994).

The appeal is **DISMISSED** for lack of appellate jurisdiction.

Entered for the Court,  
Elisabeth A. Shumaker, Clerk

A handwritten signature in dark ink, appearing to read "Kathleen T. Clifford". The signature is fluid and cursive, with the first name "Kathleen" and last name "Clifford" clearly distinguishable.

Kathleen T. Clifford  
Attorney - Deputy Clerk